

Government

S. G. Goodman, Chairman
Robert Goodwin, U.S. Labor
A. D. Huxley
Don Roney
Al Tieberg

Labor

Norman Smith, AWO
Joe Ollman, UPWA
Clive Knowles, UPWA
Jim Murray, Atty.
H. Anderson, AWO
Orval Ross, AWO
Frank Menezes, UPWA
L. Krainock, AWO
Fr. McCullough

11:37 Room 5000, 2000 North Capitol Avenue
(Not quotes unless so indicated)

Mr. Goodwin: There are many current problems under existing programs and laws. The Department of Labor has the farm labor program under study, in order to make recommendation to Congress next year.

Sec'y Mitchell appointed a panel of consultants six months ago. This group has been meeting regularly, and will report this fall. The group will point out weaknesses in the present program and recommend possible changes in the law.

Norman Smith: Earlier this year, the AWO was set up. Your Sec'y Mitchell has been urging us to organize agricultural workers. It is pathetic that his department administers a double-headed law. Employment security and farm placement, under Wagner-Peeper, are to look out for the employee. They appear to be more concerned about the grower.

A few days ago in response to "emergency demands", emergency certification of additional Nationals was made. This is a mobile force put in motion to wreck us. It was set up without consultation.

Earlier this year, we wrote Farm Placement and asked them to consider us in their deliberations on more imported labor, and to tell us how the needs are determined. American workers are supposed to be consulted. Were they consulted? Who were these workers? Where?

There is a wall of secrecy surrounding administration. There just doesn't seem to be information available. The same thing happened regarding the prevailing wage. You're supposed to consult the workers. Did you? Who? Where? We've asked, and we get no answer.

Seems to me - and this isn't a blast, but a suggestion, Joe - a revision of current practices. You should be more concerned with the employees rather than the employer's side.

Take the peach "shortage". It was an undersized, substantially unmarketable crop, and so on. The hue and cry was to make it look like a labor shortage. It was a phony; there was no labor shortage. Certainly, after their disappointment with wages in the early crop, workers drifted away. They promptly brought in braceros.

They're yelling this week again. There probably will be some shortage - people have drifted away, driven away by low wages.

Now I'm no Castro, with land reform. We're going to build a union ~~kfar~~ for these people so they can bargain for themselves. Their earnings average less than \$900 per year. The corporation farmers are driving out small farmers.

Mitchell shames us, but his department and Farm Placement play both sides. Farm Placement has driven out domestic labor. They have a close association with growers, of which we have documented proof.

It is a repetition pattern. Corporations take over, drive out domestics, destroy communities. Look to the Imperial Valley. Not a business man, who isn't tied in with the growers, want the Nationals. They want them out, the program curtailed.

When these agreements are reached with ~~Mexican~~ Mexico on the Nationals, why are negotiations always in Mexico City? Why never in the U.S.

where the glare of publicity would be upon them? Why are the Mexican Consuls in contrivance with American growers in cheating the bracero?

Goodwin: These steps the state took recently, will they improve the situation?

Smith: If the Federal Government will back up those statements, yes.

Anderson: Are you referring to Mr. Carr's ten points of June 6?

Goodwin: Yes

Anderson: We question whether they are in effect. The department is supposed to see that the bracero gets 40 hours a week and to check if less than that. Is it being done? We know many are not getting 40 hours per week.

Huxley: In addition to recruiting, we're following up on tomatoes. I agree with you that the bracero is caught in a bind. It's true, Al, some tomatoes are being lost due to the canner-grower differences and situation. We know of pockets of Nationals not working. There is a meeting tonight at which we will remind growers of their obligations regarding the 40 hour minimum.

Murray: Does their 40 hours take ~~xxx~~ away work from domestics?

Huxley: Probably true.

Tieburg: Mr. Murray hit key. True from August 17 till yesterday. No more authorizations to go through. Yesterday came a request for more nationals. We approved 1/2 ~~xxxxxx~~ of that number asked.

Goodwin: We're handicapped by the law. It ties wage determination to prevailing wages.

Smith: How is the prevailing wage determined? It's the growers offer, isn't it? We asked if consideration had been given to workers point of view, and the chief guy said "Certainly not" or "Of course not. They're excluded under Taft-Hartley". Why can't we be given consideration?

Anderson: Carr said that an effort should be made to use wages to attract and retain domestic labor.

Murray: What are "reasonable efforts" to attract domestic workers?

Goodwin and Tieburg: Advertising, newspapers, radio and recruiting in other areas. In the present situation, the moment the issue was raised, we went into day haul from the East Bay, from 175 to 650 men per day. The growers provide transportation. We appealed to McClellan, Mather, airmen and Signal Corps. The growers transported, housed and fed. We also used the radio up and down the valley and in the East Bay.

Smith: You recruit after the "crisis" is at hand. I know of an instance where a man-domestic was put in with braceros. If you can't produce like them, get out, he was told. We talked with a Mr. Chubby (?) He spoke in that spirit too.

Our man Ross here was handing out leaflets in Modesto near the Placement Service. One of your men challenged, "Do you have a permit to put out leaflets around a government office?" And when he went in, "What do you want?" was the greeting he got, in a rough voice.

Tieburg: I'm shocked

Knowles: If you're shocked by that, Mr. Tieburg, you ought to get on your bicycle, as Carr did, and get around to these offices and find out how your people are behaving.

I've had the same experience as Smith. Same tone.

Under P.L. 78, domestics are to be consulted. None has been consulted. You say yes. Who are they? Where? When? How?

Tieburg: We consulted with you, Mr. Smith, earlier.

Smith: Earlier. And why does the Federal and State government solve crisis for growers.

Goodwin: Didn't the weather play a part?

McCullough: Could reasonable efforts be made in advance to arrange for harvests? On a community basis?

Goodwin: We recommend this sort of community advance planning. It is hard to translate into regulations.

Smith: Why solve the problems of the growers? How about the setting of "prevailing" rates?

Goodwin: You've been using day haul? Including high school students?

Tieburg: Local high school only (In response to question of consultation with workers "Of my own knowledge, there has been no consultation with workers on wages. To get the prevailing wage, we used specified procedures. We contacted a representative sample ranging from 100% to much less, of the growers. We check the payrolls to see what wages did prevail. The number of interviews are recorded, the work-sheets retained. The results become the prevailing wage. Obviously the grower pretty much set the ~~operations~~ price. He offered the wage.

Anderson: You said the prevailing wage is the product of the normal play of supply and demand. I wonder in this case how those factors worked. There was no real bargaining; the price was set far in advance of the tomato crop -- July 16.

Smith: An official of farm Placement stated to growers they had to pay 12¢ per box to the bracero, but they could pay domestics 9, 10, 11 cents.

Goodwin: They can't start wages at less than the previous year.

Murray: Law section 503 hampers setting the prevailing wage, then.

Goodwin: National wage levels should be considered in setting wages. This is a basic weakness of the present law.

Knowles: This is in Mr. Goodwin's department. A year ago a packing shed we have organized illegally used braceros on a carrot-picking machine. We complained and were answered that there was no certification for use of Nationals on that machine, had been none, would be none. The Department investigated

the charge; it was true; use of braceros was illegal. Huxley has said he has been "negotiating" with Jack Bias, Executive Committee of Growers Association, about back pay to be paid.

Huxley: We agreed it was an illegal use of a bracero.

Goodwin: We had no nationwide regulations on such use of braceros. California has state regulations on that.

Knowles: Brockway gave it in writing: illegal.

Huxley: I agree with Cleo. It takes too long. One reason it took so long was because you (Knowles) contended the rate should be \$1.45 per hour and the employee objected. (Long discussion in which Knowles shows even scab sheds paying \$1.40 per hour for that operation; Bias wants to pay \$.90)

We were hoping for a policy. I was reluctant to press for a settlement until we got a policy. It is still under discussion. Generally, there is no permit to use braceros on machines. The Association, through Bias, assured me a week ago on this. They say .90 per hour on the machine.

Knowles: We protested taking braceros through our picket lines. We struck on June 29, on the 3rd day the braceros came, on the 10th day the strike was broken. Your reply came on July 25. There was no need to take action, you said, since the situation no longer existed.

We can't wait that long for action from you. You need to establish emergency apparatus to handle work stoppages.

Goodwin: Your advice is well taken.

Menezes: Bias negotiates for ~~the~~ the association. He signs contracts. You say they are assuring you? Negotiations, about 92¢? Bias himself signed a contract with us for \$1.45 an hour for that type of work!

Goodwin: We have to follow the regulations. We base the demand on employer as a prevailing wage. A determination as to what is paid in the community - that is prevailing wage. The employer must pay the prevailing rate.

Smith: You delayed a whole year, and the people hung around, gypped out of their wages.

Huxley: Here's why you negotiate: You've got to go back to the decision in lettuce. The growers went from shed pack to field pack. Eight years ago, a ruling of the Secretary of Labor was that it was a change in the job. The rate paid for that work in the field is \$.90. Mexicans can be used on machines under certain circumstances.

Goodwin: The group of consultants I mentioned are taking a close look at the kinds of jobs Nationals are doing.

1. long term jobs
2. machine operators

This fact is authorized under the definition of agricultural employment. Some consultants feel the law should be narrowed.

Krainock: In the job changes you mentioned in carrots, the government did not take the union rate. Even the scab shed pay \$1.40.

Huxley: We didn't want to close the door. We wanted some deal - even Mexican can be on machines. We had no desire then in negotiations to come up with a particular rate for this situation.

Knowles: It's time to close the door.

Ollman: There were other factors present in the shed operations, too. Health and welfare, overtime, etc.

Smith: You fellows took on the job of being job analysts, say, in tomatoes. You enter into negotiations only when the employer wants to cut.

Tieberg: We didn't enter into the carrot machine deal.

Menezes: I don't get this. A year's delay in a decision, one says - That was Mr. Huxley. Mr. Goodwin says, there is no comparison. The jobs are not alike. Are you people in the same department?

Goodwin: The comment was directed to one situation, the precedent. We've gotten the Mexicans off the harvest machines.

Smith: How far off?

Goodwin: Off the picking machines.

Anderson: The Secretary's proposed new regulations regarding interstate recruitment of workers has a lot to do with Mexican.

Is it part of the new regulations that growers will be required to recruit domestics out of the area?

Goodwin: Yes. The regulations are based on prevailing practice.

Anderson: Would there be a requirement to go out of, say, the San Joaquin Valley into the Imperial Valley to recruit?

Goodwin: Unless there was no labor there, they would be required to recruit there. The regulations make it possible to do something mainly about the chiseller. It doesn't go into the heart of the problem of a prevailing practice that makes the wage too low.

Murray: Would you go on record that the committee composed of Agriculture, Labor, State and Union be formed to make recommendations in all out recruitment.

Knowles: Farm Placement has been busy horning away domestics. Recruit domestics go into the Imperial Valley. Increase the size of your ads. Your base is Mex-American workers. Use Spanish literature. Tell the workers to come.

Tieberg: Such Spanish materials are in preparation, and will be released in September.

Krainock: Reiterate request for answers to our queries. Voices are increasing asking these questions. We've had no answers. These people will be consulted and will get the facts.

Note: The above material is not verbatim or even in sequence. There are omissions. In many places the sense of the speaker was noted.

Not quotations.